

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

AMOS F. SMITH, #92541

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:08-cv-147-HTW-LRA

CHRISTOPHER EPPS

DEFENDANT

FINAL JUDGMENT

This cause is before the Court, *sua sponte*, for consideration of dismissal. As reflected in the Memorandum Opinion and Order of the Court issued this day, Plaintiff's claims are not cognizable under Title 42 U.S.C. § 1983. Consequently, it is hereby,

ORDERED AND ADJUDGED that this cause be dismissed pursuant to Title 28 U.S.C. § 1915(e)(2)(B)(ii), with prejudice, for failure to state a claim upon which relief may be granted.

Since this case is dismissed in accordance with the above mentioned provision of the Prison Litigation Reform Act, it will be counted as a "strike" pursuant to Title 28 U.S.C. § 1915(g).

SO ORDERED AND ADJUDGED, this the 29th day of May, 2008.

s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE